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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,343	03/03/2006	Yasuaki Ogiwara	1009682-000157	5454

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
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EXAMINER
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THOMPSON, TIMOTHY J

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2873

NOTIFICATION DATE	DELIVERY MODE
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03/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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MAR 17 2008

In re Application of	:	
Yasuaki OGIWARA	:	DECISION ON REQUEST TO
Application No. 10/570,343	:	PARTICIPATE IN PATENT
Filed: March 3, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 1009682-000157	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 25, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

\* \* \* \* \*

Conditions (2) to (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1).

Regarding the requirement of condition (1), the instant application is filed under 35 USC 111(a), which validly claims priority under 35 USC 120 to a PCT application (PCT/JP 2004/12557), which PCT application validly claims priority under 35 USC 365(b) to one or more applications filed in the JPO (JP 2003-311782; JP 2004-048084; and JP 2004-074664). However, the since the JP national application containing the allowable/patentable claims (JP 2005-513637) is a JP application other than the priority application, applicant must indicate how the JP national application with the allowable/patentable claims is related to the JP priority application. See "Revised Requirements for Requesting Participation in the Patent Prosecution Highway pilot Program in the USPTO," dated May 17, 2007, next to last paragraph.

A proper response in this case must include:

- (a) an explanation how the JP national application (JP 2005-513637) with the allowable/patentable claims is related to the JP priority applications (JP 2003-311782; JP 2004-048084; and JP 2004-074664) above.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

Michael Day  
TQAS  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components